IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 11886 of 2007(M)

PETITIONER:

VAHEEDA, W/O.ABOOBACKER,
PONTHUVEETTIL, PAVARTTY,
CHAVAKKAD TALUK, THRISSUR
DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

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1. CHAVAKKAD TALUK RURAL HOUSING CO-OPERATIVE SOCIETY LTD.NO.R-344, PAVARTTY, THRISSUR DISTRICT, REPRESENTED BY ITS SECRETARY.

2. KERALA STATE CO-OPERATIVE HOUSING FEDERATION LTD., REGIONAL OFFICE, PALARIVATTOM, KOCHI - 682 925.

3. ASSISTANT REGISTRAR (GENERAL), OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETY, CHAVAKKAD, THRISSUR DISTRICT.

BY ADV. SRI.N.J.JOHNSON
R3 BY GOVERNMENT PLEADER (SHRI RAVI KRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.11886 OF 2007 M

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE EXECUTION PETITION NO.E.P.NO.187/2006 IN A.R.C. NO.975/2004 FILED AGAINST THE PETITIONER BEFORE THE SUB COURT, THRISSUR BY THE FIRST RESPONDENT.

EXT.P2 TRUE COPY OF THE RECEIPT DATED 24.3.2006 EVIDENCING PAYMENT OF RS.20,000/= TO THE 1ST RESPONDENT.

EXT.P3 TRUE COPY OF THE APPLICATION FILED BY THE PETITIONEWR ON 20.2.2007 ADDRESSED TO THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THRISSUR.

EXT.P4 TRUE COPY OF THE COMMUNICATION DATED 29.3.2007 SENT BY THE JOINT REGISTRAR (GENERAL) ADDRESSED TO THE 3RD RESPONDENT.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 11886 OF 2007 M

Dated this the 31st May, 2007

JUDGMENT

Petitioner availed a loan of Rs.2,00,000/= from 1st respondent Society. Since there was delay in making repayment regularly, first respondent initiated recovery proceedings against the petitioner. It is stated that the first respondent is taking hasty steps for bringing the properties of the petitioner for sale. In these circumstances, petitioner has approached this Court with the following prayers:

> *"(i) Issue a writ of mandamus or any other appropriate writ commanding 1st and 2nd respondents to consider and to take a decision on Ext.P3 request made by the petitioner without any delay.*
>
> *(ii) Issue a writ of mandamus or any other appropriate writ commanding the 1st respondent to withhold from proceeding with Ext.P1 proceedings till a decision is taken on Ext.P3 request made by the petitioner for one time settlement."*

2. Today, when this matter came up, learned counsel appearing on behalf of the first respondent Society submitted that the petitioner has moved Ext.P3 request before the Joint Registrar of Co-operative Societies. He would submit that if the petitioner moves an application claiming One Time Settlement before the first respondent, it will consider the same and take a decision in accordance with law and extend whatever benefits the petitioner is entitled to. In the light of this submission, the Writ Petition is disposed of as follows:

If the petitioner makes a representation before first respondent, claiming One Time Settlement within two weeks from today, the first respondent Society will consider and take a decision on the same within two weeks thereafter and communicate the same to the petitioner. Till such time, recovery proceedings will be kept in abeyance.

K. M. JOSEPH, JUDGE

kbk.